

CALIFORNIA COASTAL COMMISSION

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Commission Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE for A-5-PDR-99-130

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-PDR-99-130

APPLICANT: Catellus Residential Group

AGENT: Latham & Watkins

PROJECT LOCATION: 7501 80th Street, Westchester-Playa del Rey, City of Los Angeles

PROJECT DESCRIPTION: Resubdivision and merger of 12 lots into 12 lots within and partially within the Coastal Zone and construction of a proposed 60 to 70-foot wide entrance road off of Lincoln Boulevard partially within the coastal zone; construction of a 6-foot wide public trail along the bluff within a 10-foot wide easement partially within the coastal zone; removal of coastal sage scrub; construction of retaining walls and grading on a bluff face; and restoration of the bluff face including revegetating with coastal sage scrub; construction of a .32 acre public view park; dedication of open space; and on-site and off-site infrastructure improvements associated with a 32 acre, 119-single family lot, subdivision that is outside of the Commission's jurisdiction except for the bluff face and lower portion of ravine (Hastings Canyon). The project site within the coastal zone consists of 11.95 acres.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **a substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: the project will involve significant landform alteration, impact native vegetation on a bluff face, and will prejudice the ability of the local government to prepare a Local Coastal Program consistent with the Coastal Act.

APPELLANTS:

Mr. & Mrs. Boppana; Coalition of Concerned Communities; Spirit of the Sage Council; Executive Director of the California Coastal Commission, Peter Douglas

SUBSTANTIVE FILE DOCUMENTS:

1. Environmental Impact Report No. 91-0675
2. City of Los Angeles, Playa Vista segment, 1986 certified Land Use Plan.
3. 5-91-463(Maguire Thomas Partners-Playa Vista)
4. Agreement for Settlement of Litigation in the 1984 case of Friends of Ballona Wetlands, et al. v. The California Coastal Commission, et al., Case No. C525-826.
5. Programmatic Agreement Among the U.S. Army Corps of Engineers, Los Angeles District, the Advisory Council on Historic Preservation, and the California State Historic Preservation Officer, regarding implementation of the Playa Vista Project, 1991.
6. Dept. of Fish and Game memorandum (12/20/91) regarding Wetlands Acreage Determination

I. APPELLANTS' CONTENTIONS

The City of Los Angeles Local Coastal Development Permit #93-013 approves a permit, with conditions, for, as described by the City, the development of:

119-unit single family lots with 2 parking spaces for each dwelling unit.

The proposed subdivision site is located on approximately 44-acre parcel. However, only 11.95 acres of the proposed site is located within the coastal zone. Only the development within the area of the commission's jurisdiction can be appealed. Development within the coastal zone includes: construction of a 60 to 70-foot wide entrance road off of Lincoln Boulevard partially within the coastal zone; construction of a 6-foot wide public trail along the bluff within a 10-foot wide easement partially within the coastal zone; removal of coastal sage scrub; construction of retaining walls and grading (60,640 cubic yards of cut and 23,295 cubic yards of fill) on a bluff face, including the filling of 170-feet of a ravine (Hastings Canyon) within the Coastal Zone; and restoration of the bluff face including revegetating with coastal sage scrub; construction of a .32 acre public view park; dedication of open space; and on-site and off-site infrastructure improvements associated with a 32 acre, 119-single family lot, subdivision that is outside of the Commission's jurisdiction. The project site within the coastal zone consists of 11.95 acres.

The City's approval of the proposed development was appealed on April 6, 1999 and April 8, 1999 by four appellants. The project was appealed by Mr. and Mrs. Boppana, the Coalition of

Concerned Communities—West Bluff, Spirit of the Sage Council, and by the Executive Director of the California Coastal Commission.

The appeal by Mr. and Mrs. Boppana contends that:

1. Adverse impacts to appellant's residence that is adjacent to the proposed development:
 - a) Filling of Hastings Canyon and raising of the grade 15 feet above the appellant's backyard will adversely impact privacy, surface drainage and maintenance.
 - b) Proposed pedestrian trail will adversely impact appellant's privacy and maintenance.
2. The proposed grading, including construction of the access road, use of retaining walls and/or soldier pile walls along the bluff face, filling of Hastings Canyon, and construction of the trail is inconsistent with Section 30240, 30251 and 30253 of the Coastal Act.
3. Proposed development will adversely impact public views from along 80th Street.
4. Location of coastal zone boundary is not known and should be established by survey.
5. The City's Statement of Overriding Considerations adopted by the Advisory Agency has failed to take into account several important items and hence may have reached erroneous conclusions.
6. The amount of public open space is less than what is expected for the needs of the development.
7. A coastal zone boundary adjustment will be requested after development has occurred.
8. The City's calculations on the fiscal benefits is erroneous.

The appeal by the Coalition of Concerned Communities-West Bluff contends that:

1. The project will impact the established Ballona wetlands ecosystem and Playa del Rey Communities.

2. The project will consume the last potential open space area in the westside of Los Angeles.

The appeal by the Spirit of the Sage Council contends that:

1. The project will adversely impact a sensitive habitat area and will be inconsistent with Section 30240 of the coastal Act.
2. Grading will result in a significant loss of Coastal Bluff features.
- 3 The EIR is inadequate in addressing mitigation measures.

The appeal by the Executive Director contends that:

1. Part of the proposed access road and public trail that traverse along portions of the bluff face, and remedial grading on the bluff face will be within the boundaries of the coastal zone. The proposed development will involve a significant amount of grading within the coastal zone that will alter the existing natural landform resulting in manufactured slopes and use of 10 to 20-foot high retaining walls along the bluff face to support residential development atop the bluff. Such grading activities may adversely impact the scenic and visual qualities of the coastal area.

There are alternative locations for the proposed access road and public trail that would eliminate or significantly reduce the amount of grading on the bluff face.

2. The EIR indicates that the bluff face contains Coastal Sage Scrub habitat that will be impacted by the project. The City has required that the impact to the habitat be mitigated on-site at a mitigation ratio of 5:1. The City's permit, however, does not address mitigation of impacts from brush clearance due to fire requirements. Additional fire protection requirements for fuel modification can significantly increase the area that is impacted by the project.
3. Within the large erosional feature (Hastings Canyon) located in the northwestern portion of the site the EIR identified approximately .04 acres of wetlands. The proposed project will involve filling of the canyon and the wetlands found within the canyon to support residential development atop the bluff. The filling of wetlands for residential purposes is inconsistent with Section 30233(c) of the Coastal Act.
4. The proposed development's access road connects directly to Lincoln Boulevard. The City's permit does not address the coastal access impacts the additional traffic will have on Lincoln Boulevard.
5. The City's Coastal Development Permit does not separate out and analyze that portion of the proposed development that lies within the coastal zone. The City's

permit does not provide any findings with regards to impacts to the scenic and visual qualities of the coastal area, public access, wetlands, and other environmentally sensitive resources.

II. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within 300 feet of the top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)].

Sections 13302-13319 of the California Code of Regulations provide procedures for issuance and appeals of locally issued Coastal Development Permits. Section 30602 of the Coastal Act allows any action by local government on a Coastal Development Permit application pursuant to Section 30600(b) to be appealed to the Commission.

After a final local action on a Coastal Development Permit, the Coastal Commission must be noticed within five days of the decision. After receipt of a notice which contains all the required information, a twenty working day appeal period begins. During the appeal period, any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Section 30602). The appeal and local action are then analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act (Section 30625(b)(1)). If the Commission finds substantial issue, the Commission holds a new public hearing to act on the Coastal Development Permit as a de novo matter.

In this case, the City's Notice of Final Local Action was received on March 11, 1999. The twenty working day appeal period was determined on that day, ending on April 8, 1999. The South Coast District office received four appeals of the Local Coastal Development Permit during the appeal period.

Section 30621 of the Coastal Act states that the appeal must be scheduled for hearing within 49 days of the receipt of a valid appeal. However, the applicant waived their rights to a hearing within the 49-day period.

The Commission may decide that the appellants' contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands. Alternatively, if the Commission finds that the proposed project may be inconsistent with the

Chapter 3 policies of the Coastal Act of 1976, it will find that a substantial issue exists with the action of the local government. If the Commission finds substantial issue, then the hearing will be continued open and scheduled to be heard as a de novo permit request at a subsequent hearing. Section 13321 specifies that de novo actions will be heard according to the procedures outlined in Section 13114 of the Code of Regulations. In this case the proposed project falls within an area in which irrespective of the Commission's action a second permit is required from the Commission under the requirements of Section 30601.

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue exists** with respect to the City's approval of the project with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to Public Resources Code Section 30625(b)(1).

MOTION: Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-PDR-99-130 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Area History

The proposed project includes re-subdivision and merger of 12 lots and creation of 12 new lots within and partially within the Coastal Zone; construction of a 60 to 70-foot wide entrance road off of Lincoln Boulevard partially within the coastal zone; construction of a 6-foot wide public trail along the bluff within a 10-foot wide easement partially within the coastal zone; removal of coastal sage scrub; construction of retaining walls and grading (60,640 cubic yards of cut and 23,295 cubic yards of fill) on a bluff face including filling 170-feet of a ravine within the Coastal Zone; and restoration of the bluff face including revegetating with coastal sage scrub; construction of a .32 acre public view park; dedication of open space; and on-site and off-site infrastructure improvements associated with a 32 acre, 119-single family lot, subdivision that is outside of the Commission's jurisdiction. The project site within the coastal zone consists of 11.95 acres.

The project is located in the Westchester/Playa del Rey community at the western edge of the City of Los Angeles approximately 1.25 miles from the Pacific Ocean. The site is adjacent to Lincoln Boulevard on the east, and faces an exiting single-family residential community on the south. The northern boundary of the site is approximately demarcated by Cabora Drive, a service

road along the face of the Westchester/Playa del Rey Bluffs. The Playa Visa property, which includes the Ballona Wetlands lies directly to the north of the proposed project site.

The 44.95-acre site consists of a broad, gently sloping bluff top with moderate to steep natural slopes descending on the northerly and westerly property boundaries. The natural slopes vary in gradient from 2:1 (horizontal to vertical) to almost vertical in steeply incised draws or erosional features. The bluff face is traversed by the partially paved Cabora Drive which is located near the toe of the natural slope and overlies and provides access to the City of Los Angeles North Outfall Sewer. A minor paved access road traverses up from Cabora Drive in the eastern portion of the site to the top of the bluff and leads to a graded flat pad that was formerly the location of a radio transmission tower. Ground elevation on the site ranges from approximately 50 feet above mean sea level along Cabora Drive at the base of the natural slope to 135 to 170 feet on the bluff top.

The 11.95 acres within the Coastal Zone consists of only the bluff face, from approximately Cabora Drive up to the top of the bluff face.

B. Area Planning History

This property is located on a highly visible bluff overlooking Ballona wetlands; the Westchester bluffs. These bluffs are a prominent landform rising 140-170 feet above the Ballona Wetlands. Because the bluff faces were visually and biologically part of the Ballona Wetlands system, Los Angeles County included the lower portions of these bluff face lots as part of the Marina del Rey/Ballona Land Use Plan which was certified by the Commission on October 10, 1984. Subsequently, the City of Los Angeles annexed a 458 acre portion of the County's Marina del Rey/Ballona LCP area which included the Westchester blufftop and bluff face lots. The City of Los Angeles then submitted the Playa Vista Land Use Plan for the newly annexed coastal lands. The Commission certified the City's Playa Vista Land Use Plan in 1986. As a result of a court suit challenging the adequacy of habitat protection in the land use plan, the City and County are revising the LUP to reflect a settlement (Friends, etc.). The settlement proposes additional wetlands at the toe of the bluff but does not propose changes in land use for these lots.

Prior to the Coastal Act the bluff face was subdivided into multiple "tiers" of lots, with the first row generally located below (north of) Cabora Drive (currently a private, paved access road) and the second and third tiers located above (south of) Cabora Drive and below (north of) Veragua Drive (at the top of bluff). The proposed property lies approximately between Cabora Drive to the north, and 80th Street and Rayford Drive on the south. The property is within the certified Playa Vista Land Use Plan area and designated as a single-family residential area. The Playa Vista Land Use Plan identifies the area above (south of) Cabora Drive as Residential I and the area below (north of) Cabora Drive as a Ecological Support area or buffer area for the wetlands. The Ballona Creek wetlands occupy approximately 191 acres [Dept. of Fish and Game memorandum (12/20/91) regarding Wetlands Acreage Determination] north of the bluff and Cabora Drive. The subject lot zoning is identified as Residential I.

Recently, subdivided lots on the bluff face and crest of the bluff to the west of the project site have been sold to separate owners who have constructed several single-family homes. Because these houses are highly visible and may have adverse effects on the biologic and visual quality of the Ballona Wetlands that lie below the bluff, the City of Los Angeles applied for a boundary line adjustment so that the Coastal Zone Boundary did not cut through the middle of properties. Several homes were built on this bluff without Coastal Permit requirements before the Coastal Zone Boundary Adjustment took place. The lower portion of the property was previously within the Coastal Zone. The upper portion of the property was annexed into the Coastal Zone in 1990 as a result of the Minor Boundary Adjustment BA #6-89. The recently adjusted Coastal Zone Boundary runs along Veragua Drive to the west of the project site and then follows the top of the bluff through the undeveloped project site to Lincoln Boulevard.

V. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section II of this report, any local Coastal Development Permit may be appealed to the Commission. However, the grounds for an appeal of a Coastal Development Permit issued by the local government prior to certification of its Local Coastal Program are limited to the Chapter 3 policies of the coastal Act. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff is recommending that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed.

1. Issues that Address Chapter 3 Policies of the Coastal Act.

As stated, four separate appellants have filed appeals. Listed below are the appellants' contentions that address Chapter 3 policies of the Coastal Act:

a. Mr. & Mrs. Boppana's appeal

Mr. & Mrs. Boppana contend that:

The proposed grading, including construction of the access road, use of retaining walls and/or soldier pile walls along the bluff face, filling of Hastings Canyon, and construction of the trail is inconsistent with Section 30251 and 30253 of the Coastal Act.

Filling of Hastings Canyon is inconsistent with Section 30240 of the Coastal Act.

Section 30251, 30253 and 30240 of the Coastal Act state:

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The property within the Commission's jurisdiction consists of 11.95 acres or 27% of the total project site. The applicant will be grading approximately 3.26 acres or 27% of the property within the coastal zone. Grading within the coastal zone will consist of approximately 60,640 cubic yards of cut and 23,295 cubic yards of fill.

Approximately 85% of the cut will be from widening Lincoln Boulevard and construction of the 60-70 foot wide, 600 foot long entrance road (Street "A"), that is partially in the Coastal Zone, and for a public view park. Approximately 23,295 cubic yards of cut will be used as fill for the portion (approximately 170 feet) of Hastings Canyon within the Coastal Zone. In addition, approximately 9,096 cubic yards of cut will be used for fill of other erosion features along the bluff.

The 11.95 acres within the coastal zone is mainly comprised of steep natural slopes descending on the northerly and westerly property boundaries. The natural slopes vary in gradient from 2:1 (horizontal to vertical) to almost vertical in steeply incised draws. The incised draws are generally less than 20 feet in width with vertical wall heights on the order of 5 to 10 feet. However, Hastings Canyon, a major draw that subparallels Berger Avenue in the western portion of the site, has a width that varies from 50 to 250 feet with vertical wall heights on the order of 30 feet. The ravine extends approximately 700 feet into the project site from Cabora Drive. However, only approximately 170 feet, or 24%, of the Canyon is within the Coastal zone and within the Commission's jurisdiction.

Based on United States Geological Service Maps, Hastings Canyon has historically been a erosional feature; however, according to the project's EIR urban development that has taken place in the near vicinity, in and outside of the coastal zone, has contributed to the erosion of this ravine by increased concentrated surface runoff that drains into the ravine.

The applicant is proposing to fill the entire Canyon and stabilize four other incised draws or erosional features with soldier piles/retaining walls. The proposed fill slope for Hastings Canyon will extend from approximately the south side of Cabora Drive, at an elevation of approximately 50 feet, and extend to an elevation of approximately 110 and 140 feet within the Coastal Zone. The face of Hastings Canyon fill slope is designed to align with the existing natural bluff face. Because the City's design criteria will not permit the fill slope to exceed a 2:1 grade, and the existing bluff face is much steeper, the fill slope will setback from the existing bluff face as the slope ascends to the top.

The slope includes a system of drains (terrace drains), as required by the City, that will collect all runoff and convey it to the base of the slope. The City generally requires terrace drains to be 8-foot in width, however, the City has allowed the applicant to use 5-foot wide drains and allowed the down drain to be curvilinear rather than straight, to soft the visual appearance of the drains.

Storm runoff that is directed into the Canyon via the Veragua Walk stormdrain has caused erosion of the ravine and deposition of sediment into the Ballona wetlands. The proposed rerouting of the stormdrain from the ravine and filling and stabilizing the ravine will significantly reduce the deposition of sediment and adverse impacts to the Ballona Wetlands. Furthermore, the proposed project will include a drainage setback area between the top of the bluff face and the proposed residential lots, ranging from 30-90 feet. Approximately .83 acres or 35% of the total setback area is within the Coastal Zone.

The setback area will include a drainage swale to collect and direct drainage to the on-site stormdrain system. The applicant argues that this drainage system will help reduce the amount of surface runoff and erosion of the bluff face caused by surface runoff.

Furthermore, the applicant proposes to revegetate the bluff face, including the fill slopes, with Coastal sage scrub and other native vegetation. The amount of grading and landform alternation could have an adverse impact to coastal resources and the visual quality of the area unless adequately mitigated. The proposed revegetation plan may not have a high success rate that may adversely impact slope stability and visual quality of the area. Therefore, the applicant's contention does raise a substantial issue with respect to Chapter 3 policies of the Coastal Act.

Mr. & Mrs. Boppana contend that:

Location of coastal zone boundary is not known and should be established by survey.

When the California Coastal Act was adopted in 1976 the Coastal Zone was not defined by survey, but rather by maps adopted by the State Legislature (see Letter from Commission's Mapping Unit, dated 12/7/98, Exhibit 10). There are no metes and bounds description of the boundary of the 1976 Coastal Zone boundary. When the Legislature adopted the Coastal Act of 1976, the Coastal Commission's jurisdiction was established by 21 maps delineating a boundary which ranged from a few hundred feet to a maximum of 5 miles inland of the Mean High Tide Line. An Attorney General's opinion (Opinion No. 79-1108) was rendered around that time validating the position that the set of adopted maps, and not the generalized, descriptive Coastal Act language was intended to be the controlling, definitive source for establishing the inland jurisdiction boundary in any given coastal location.

In March 1977, these maps were legally superceded by a set of 161 more detailed maps that the Legislature directed the Coastal Commission to adopt. Coastal Zone Map 138 (Venice Quadrangle) was first adopted by the Coastal Commission at this time, along with the other 160, 1:24,000-scale map sheets prepared using the United States Geological Survey 7.5 minute quadrangle series as a base map. The map showed the boundary approximately 40 to 60 feet below the top the bluff on the proposed project site.

Minor legislative amendments to the Coastal Zone Boundary on map 138 were made in 1978, 1980, 1990 and 1995. The boundary line adjustment in 1990, referred to MBA #6-89, was submitted by the City of Los Angeles and affected the West Bluffs property. The Commission approved the MBA as proposed by the applicant (see MBA #6-89 staff report, Exhibit No. 13). The minor boundary line adjustment moved the boundary on the subject property from approximately a third of the way down the face of the bluff to the "natural bluff boundaries" or the top of the bluff (See MBA #6-89 staff report, Exhibit No. 13). The

adjustment added 8.75 acres of land to the Coastal Zone. The new boundary line location followed a combination of a contour line and parcel boundaries.

In July 1998 the applicant submitted a detailed topographic map to the Commission's mapping unit in San Francisco for their review to determine the location of the boundary line on their property. The Mapping unit reviewed the map and determined that the applicant's location of the boundary line is consistent with Minor boundary line adjustment #6-89 (see Exhibit No. 10). Furthermore, the grading on the bluff face will not affect the current location of the boundary line, as established in MBA #6-89. The boundary will remain as approved unless and until another MBA is processed. Therefore, the contention that a survey of the Coastal Zone boundary is necessary does not raise any substantial Coastal Act issues with respect to Chapter 3 policies.

Mr. & Mrs. Boppana contend that:

The amount of public open space is less than what is expected for the needs of the development.

Of the 11.95 acres that are located in the coastal zone approximately 8.69 acres (73%) will remain in its natural state. Of the remaining 3.26 acres (27%) the applicant proposes .07 acres, or a 6-foot wide by 530 long, bluff top public trail, and .32 acre public view park, with portions of a 60-70 foot wide, 600-foot long access road, within the coastal zone. Therefore, the majority of the property within the coastal zone will be open space. The residential portion of the proposed development is located outside of the Coastal Zone. Therefore, contention of the amount of open space does not raise any substantial Coastal Act issues with respect to Chapter 3 policies.

Mr. & Mrs. Boppana contend that:

A coastal zone boundary adjustment will be requested after development has occurred.

The applicant has previously (July 1998) submitted a request for a boundary line adjustment for the project site. The request was put on hold by the Mapping Unit of the Coastal Commission when Commission staff determined that considering the adjustment while the subdivision was not yet approved would be premature and that it should wait until there is a recorded final tract map establishing legal lot lines. Preliminarily, the boundary adjustment would move the boundary to the southerly (landward) right-of-way edge of Street "A" and the lot line forming the back of the residential lots. This adjustment would place all of Street "A", all of the bluff face, and the bluff top setback area under the Commission's jurisdiction. The boundary adjustment, as submitted in July 1998, would move the coastal line further inland and increase the Commission's jurisdiction.

The fact that the applicant has previously submitted and intends on processing a coastal zone boundary adjustment does not raise any substantial issues with respect to Chapter 3 policies of the Coastal Act.

b. Appeal by the Coalition of Concerned Communities-West Bluff

The Coalition of Concerned Communities contend that:

The project will impact the established Ballona wetlands ecosystem and Playa del Rey Communities.

The appellant has not explained how the proposed project will impact Ballona wetlands. The proposed project is not located in Ballona Wetlands. The project site forms a portion of the larger Westchester/Playa del Rey Bluffs, a marine terrace overlooking the Ballona Wetlands to the north. The bluff faces are incised by several small erosional drainages and a northwest-facing ravine named Hastings Canyon, which cumulatively serve to drain a portion of the bluff top. Hastings Canyon and the erosional drainages drain into the adjacent off-site Ballona Wetlands.

According to the EIR urban development has exacerbated the erosion of the ravine. The on-going erosion has resulted in the depositing and accumulation of sand and soil sediments in the Ballona Wetlands, which has created an alluvial fan below the mouth of Hastings Canyon. This silt fan has provided an opportunity for invasive exotics, which further degrade the wetlands. Because of the deposition of silt over the years the area immediately north of Cabora Drive, within a 300-400 foot arc from the mouth of the Canyon, has not been designated as wetlands [(CDP #5-91-463 (Maguire Thomas Partners))]. In other past permit action the Commission has recognized that concentrated drainage via the storm drain along Veragua Walk into Hastings Canyon contributes to bluff stability, and wetland impacts from sedimentation and pollution that eventually get washed into the Ballona wetlands (5-98-282; 5-97-205; 5-97-349).

The proposed project will redirect storm runoff from Hastings Canyon into an on-site stormdrain system. The on-site stormdrain system will connect to the Lincoln Boulevard, which drains into the Ballona wetlands. As conditions to the City's permit, in order to construct the proposed drainage facilities and allow the runoff to drain into the wetland, a set of water quality control Best Management Practices (BMP's) will be required to mitigate the potential development impact and improve the quality of storm water flowing into the wetland. The BMP measures will consist of catch basin filters, catch basin cleaning, storm drain system signage, and household hazardous waste collection and education.

The project site represents a portion of the upland habitat associated with the Ballona Wetlands. The bluffs generally support mixed coastal sage scrub, non-native grassland

and disturbed vegetation. The project site contains less than five acres of intact coastal sage scrub on the bluff faces, with the remainder of the bluff faces disturbed and supporting non-native grassland.

The bottom of Hastings Canyon contains arroyo willows, where surface runoff collects or is periodically impounded behind check dam structures. The applicant's biologist, representatives of the Department of Fish and Game and the United States Army Corps of Engineers (Corps) have inspected the Canyon and have determined that the biological value of the ravine is low. The .04 acres of wetlands found within the Canyon are located outside of the coastal zone.

According to the EIR the proposed project would impact .141 acres of jurisdictional streambeds and approximately .04 acres of an under-developed wetland area comprised of about six willow trees. The resource values are considered low, particularly with regard to riparian values. The relatively low resource value of jurisdictional areas on-site, in conjunction with configuration of the proposed project has resulted in the determination that replacement of the .04 acre area is not feasible or necessary. Therefore, the applicant is proposing, with concurrence by CDFG, habitat enhancement of existing Deigan sage scrub habitat and removal of exotic vegetation on the bluff face. The mitigation area, as proposed, will be comprised of no less than .90 acres, which is a mitigation ratio of 5:1.

According to the EIR the proposed restoration of the coastal sage scrub along the bluff face, including on the Hastings Canyon fill slope, will increase habitat values on the bluff face for obligate species associated with the Ballona Wetlands which utilize the upland habitat. Furthermore, 73% of the bluffs will be left ungraded and continue to serve as a buffer between the Ballona Wetlands and the residential areas to the south. The ravine will be filled to stabilize the over steepened slopes of the ravine. The fill slope will then be landscaped with native vegetation to stabilize the slope and reduce sedimentation entering the Ballona Wetlands.

The filling of the ravine and construction activity within the Coastal Zone could adversely impact coastal resources unless properly mitigated. Furthermore, the type of plants used for revegetating the fill slopes and bluff face, such as non-native evasive plant, could adversely impact native plants in the area. Therefore, the applicant's contention does raise a substantial issue with respect to Chapter 3 policies of the Coastal Act.

c. The appeal by the Spirit of the Sage Council:

The Spirit of the Sage Council contend:

The project will adversely impact a sensitive habitat area and will be inconsistent with Section 30240 of the coastal Act.

The appellants contention is similar to those stated by the other appellants (see above). As with the above similar contentions, this contention does not raise any substantial issues with respect to Chapter 3 policies of the Coastal Act.

The Spirit of the Sage Council contend:

Grading will result in a significant loss of Coastal Bluff features.

As stated earlier, the property within the Commission's jurisdiction consists of 11.95 acres or 27% of the total project site. The applicant will be grading approximately 3.26 acres or 27% of the area within the coastal zone. Grading within the coastal zone will consist of approximately 60,640 cubic yards of cut and 23,925 cubic yards of fill.

Approximately 85% of the cut will be from widening Lincoln Boulevard and construction of the entrance road (Street "A") and the public view park. Approximately 23,925 cubic yards of cut will be used as fill for the portion of Hastings Canyon (approximately 170 feet) within the Coastal Zone. In addition, approximately 9,096 cubic yards of cut will be used for fill of other erosional features along the bluff.

The 11.95 acres within the coastal zone is mainly comprised of steep natural slopes descending on the northerly and westerly property boundaries. The natural slopes vary in gradient from 2:1 (horizontal to vertical) to almost vertical in steeply incised draws. The incised draws are generally less than 20 feet in width with vertical wall heights on the order of 5 to 10 feet. However, a major draw that subparallels Berger Avenue in the western portion of the site has a width that varies from 50 to 250 feet with vertical wall heights on the order of 30 feet. The ravine extends approximately 700 feet into the project site from Cabora Drive. However, only approximately 170 feet, or 24%, of the Canyon is within the Coastal zone and within the Commission's jurisdiction. This erosional feature will be filled in with a 2:1 fill slope.

The amount of landform alteration and grading within the Coastal Zone is significant and the appellant's contention does raise substantial issues with respect to the Chapter 3 policies of the Coastal Act.

d. Appeal by the Executive Director

With regards to grading and landform alteration, as stated above, the property within the Commission's jurisdiction consists of 11.95 acres or 27% of the total project site. Of the property within the coastal zone the applicant will be grading approximately 3.26 acres or 27% of the area within the coastal zone. Grading within the coastal zone will consist of approximately 60,640 cubic yards of cut and 23,295 cubic yards of fill.

Approximately 85% of the cut will be from widening Lincoln Boulevard and construction of the entrance road (Street "A") and the public view park. Approximately 14,199 cubic yards of cut will be used as fill for the portion (approximately 170 feet) of Hastings Canyon within the Coastal Zone. In addition, approximately 9,096 cubic yards of cut will be used for fill of other erosional features along the bluff and to create the proposed drainage setback area at the top of the bluff face. The remaining fill will be used in other portions of the project site outside of the Coastal Zone.

The 11.95 acres within the coastal zone is mainly comprised of steep natural slopes descending on the northerly and westerly property boundaries. The natural slopes vary in gradient from 2:1 (horizontal to vertical) to almost vertical in steeply incised draws. The incised draws are generally less than 20 feet in width with vertical wall heights on the order of 5 to 10 feet. However, a major draw that subparallels Berger Avenue in the western portion of the site has a width that varies from 50 to 250 feet with vertical wall heights on the order of 30 feet. The ravine extends approximately 700 feet into the project site from Cabora Drive. However, only approximately 170 feet, or 24%, of the Canyon is within the Coastal zone and within the Commission's jurisdiction. The applicant intends on filling the entire ravine.

The amount of grading and landform alteration is significant and may lead to adverse impacts to coastal resources. Therefore, the issue of grading and landform alteration raises substantial issues with respect to Chapter 3 policies of the Coastal Act.

With regards to brush clearance, the Executive Director was concerned with the Los Angeles Fire Department fuel modification requirements and the impacts it would have on the proposed landscaping and revegetation plans. The applicant proposes to preserve and enhance the existing native plant material, which consists mostly of Diegan sage scrub, on the approximately 8.69 acres of natural bluff face that is proposed to remain ungraded in the Coastal Zone. All exotic non-native vegetation will be removed, to the greatest extent possible, and new native plant material will then be planted in and around the preserved existing native plants.

Some existing isolated Diegan sage scrub will need to be removed near Street "A", at the mouth of Hastings Canyon, and along the top edge of the bluff face, as part of the 3.26 acres of proposed grading in the Coastal Zone.

In addition to a selected plant list to reduce the fuel load, there will be a bluff top setback area with a width varying between 30 and 90 feet. This setback coupled with a structure setback of 15-25 feet from the rear lot line of the residential lots may provide an adequate fuel modification zone. However, at this time there is no assurance that the proposed landscaping and revegetation plan will be acceptable to the Fire Department and that future fire clearance requirements will not impact native vegetation on the bluff face. Therefore, the potential brush clearance requirements, landscaping plan, and impacts to

Diegan sage scrub, raises substantial issues with respect to the Chapter 3 policies of the Coastal Act.

The Executive Director's third contention is regarding the filling of wetlands. The filling of wetlands for residential purposes is inconsistent with Section 30233(3) of the Coastal Act. After review of the City's record and supplemental information submitted by the applicant, it was determined that the wetlands is outside of the Coastal Zone.

The bottom of Hastings Canyon contains approximately four arroyo willow trees. The wetland area is supported primarily by urban runoff from the adjacent residential development. Storm water runoff and nuisance drainage from the adjacent residential development flows through a corrugated metal pipe, located along Veragua Walk (easement), which empties into the ravine. This flow supports a small area of standing water near the outlet pipe.

According to the applicant's biologist there are no biological or hydrological wetland indicators in the remaining portions of the Canyon. The biologist found no evidence of riparian or wetland vegetation or soils that would be considered hydric and exhibit wetland characteristics.

The applicant's biologist, representatives of the Department of Fish and Game and the United States Army Corps of Engineers (Corps) have inspected the Canyon and have determined that .04 acres of isolated wetlands (the four arroyo willow trees) exist within the Canyon.

After review of all documents and maps regarding the wetlands within the Canyon staff has determined that the .04 acres of designated wetlands is approximately over 150 feet outside of the Coastal Zone boundary. However, the project is adjacent to the Ballona Wetlands and development and construction activity may adversely impact designated wetlands in the Ballona Wetlands. Therefore, the proposed project does raise a substantial issue with respect to the Chapter 3 policies of the Coastal Act.

With regards to access and traffic impacts along Lincoln Boulevard, the City, in approving the Coastal Development Permit, referenced and based their decision on the project's EIR (NO. 91-0675) which analyzes the project's traffic impacts on intersections along this section of Lincoln Boulevard.

Lincoln Boulevard is adjacent to the project site and is a major north-south route providing access to a number of beach cities. As part of roadway improvement mitigation measures required by the City for other projects and the Coastal Transportation Corridor Specific Plan, Lincoln Boulevard is planned for a number of improvements including widening and lane increases. The City is requiring the proposed project, consistent with the Coastal Transportation Corridor Specific Plan, to provide a 57-foot wide half street along the project's Lincoln Boulevard frontage. Other improvements include signalization and signal

coordination, turn restrictions, adding additional turn lanes to Lincoln Boulevard and neighborhood streets outside of the Coastal Zone.

As proposed, 90 residential lots will require access from Lincoln Boulevard, within the Coastal Zone. The remaining 29 residential lots will have access from streets, 80th Street and Rayford Drive, outside of the Coastal Zone. As discussed in the EIR the proposed project will generate approximately 1,220 trips per day. Lincoln Boulevard and Hughes Terrace is currently at Level of Service (LOS) A to C during peak periods. The project traffic analysis in the EIR found that with adding the project access road to this intersection the intersection will operate at LOS B to C during peak periods. The amount of traffic generated by the proposed development is significant and could impact coastal access. Therefore, the proposed project does raise a substantial issue with respect to the Chapter 3 policies of the Coastal Act.

With regards to the City's analysis of coastal issues, the City's Coastal Development Permit incorporated by reference the project's EIR (NO. 91-675). The EIR does separate out and analyze that portion of the project that lies within the Coastal Zone. The certified EIR does provide an analysis of the project's consistency with applicable Chapter 3 policies of the Coastal Act, including impacts to the scenic and visual qualities of the coastal area, public access, wetlands, and other resources. Based on this analysis, the City Council found, as part of its CEQA findings, that the project is consistent with all of the applicable policies of Chapter 3 of the Coastal Act. However, as stated above, the proposed project raises substantial issues with respect to the Chapter 3 policies of the Coastal Act.

Conclusion

The Commission finds that substantial issues exist with respect to the proposed project's conformance with the Chapter 3 policies of the Coastal Act, and with the approval of the Local Coastal Development Permit No. 93-013, and that appeal No. A-5-PDR-99-130 raises substantial issue with respect to the grounds on which the appeals have been filed.

2. Issues Raised by Appellants that do not Address Chapter 3 Policies of the Coastal Act

The contentions listed below refer to areas outside of the Commission's jurisdiction or do not address any grounds for appeal with respect to Chapter 3 policies of the Coastal.

1. Adverse impacts to appellant's residence that is adjacent to the proposed development:
 - a) Filling of Hastings Canyon and raising of the grade 15 feet above the appellant's backyard will adversely impact privacy, surface drainage and maintenance.
 - b) Proposed pedestrian trail will adversely impact appellant's privacy and maintenance.

Mr. & Mrs. Boppana residence is located adjacent to the proposed project site in the northwest corner of the property. Mr. & Mrs. Boppana's property is approximately 70-feet outside of the Commission's coastal zone boundary. Although 170 feet of the 700-foot long Hastings Canyon is located within the coastal zone the portion of the canyon adjacent to Mr. & Mrs. Boppana's property and the grading proposed adjacent to Mr. & Mrs. Boppana's property is outside of the coastal zone. Therefore, any potential adverse impacts caused by the proposed project are outside of the Commission's jurisdiction.

2. Proposed development will adversely impact public views from along 80th Street.

Eightieth Street runs adjacent to the southern boundary of the project site. The mesa, or top of bluff, which for the most part, is outside of the coastal zone, extends to 80th Street. All of 80th Street is outside of the coastal zone. Therefore, any public views from 80th Street are outside of the coastal zone and not within the Commission's jurisdiction. Therefore, the appellant's contention raises no substantial issues with respect with the Chapter 3 policies of the Coastal Act.

3. Agency has failed to take into account several important items and hence may have reached erroneous conclusions.

The City adopted Statements of Overriding Consideration with its certification of the Project EIR and adoption of CEQA findings when it approved the project. The appellant has not specifically stated what the errors are and the validity of the City's action does not raise any grounds for appeal with respect to Chapter 3 policies of the Coastal Act.

4. The City's calculations on the fiscal benefits is erroneous.

The fiscal benefits of the project is a local issue and does not raise any grounds for appeal with respect to the Chapter 3 policies of the Coastal Act.

5. The EIR is inadequate in addressing mitigation measures.

The adequacy of the EIR does not raise any grounds for appeal with respect to the Chapter 3 policies of the Coastal Act.

6. The project will consume the last potential open space area in the westside of Los Angeles.

This is a planning/ acquisition issue and does not raise any grounds for appeal with respect to Chapter 3 policies of the Coastal Act.